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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,628	01/03/2002	Laurent Nivet	P07469US00/DEJ	7356

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/019,628	NIVET, LAURENT	
	Examiner	Art Unit	
	Joseph F Edell	3636	

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claims 1 and 8 include new language reciting that the first and second instants of time are separated by a length of time "irrelevant of initial conditions". However, the specification does not address the relationship between the activation of the actuators in relation to initial conditions. One skilled in the art would not know from the specification if the "initial conditions" limitation refers to the initial conditions of the seat, the three seat parts, the first actuator, or the second actuator.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claims 5 and 6, the phrase "in which method the phase of joint operation of the two activators is designed to move the leg rest" is unclear rendering the scope of the claims indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 8, and 9, as best understood, are rejected under 35

U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,669,780 to Sakakibara et al.

Sakakibara et al. disclose a seat that includes all the limitations recited in claims 1-4, 8, and 9, as best understood. Sakakibara et al. show a seat having a three moving parts 110a, 110b, 401 (Fig. 1), at least two actuators MT(22) (Fig. 12), MT(21) (Fig. 12), a means for operating (Fig. 12) the two actuators jointly, a means for actuating a first actuator S112 (Fig. 13B), a means for detecting LS(27) (Fig. 12) the first actuator has stopped after the first actuator reached a predetermined position, and a means for actuating S113 (Fig. 13B) a second

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actuator at an instant subsequent to the actuating of the first actuator separated by a predetermined length of time. The description of the seat inherently discloses the method of controlling the seat.

Claims 1-6, 8, and 9, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,227,489 B1 to Kitamoto et al.

Kitamoto et al. disclose a seat that includes all the limitations recited in claims 1-6, 8, and 9, as best understood. Kitamoto et al. show a seat having a three moving parts 15, 110, 130 (Fig. 6), at least two actuators 60, 120, 140 (Fig. 6), a means for operating (Fig. 18) the two actuators jointly, a means for actuating a first actuator 205 (Fig. 18), a means for detecting (Fig. 15) the first actuator has stopped after the first actuator reached a predetermined position, and a means for actuating 206 (Fig. 18) a second actuator at an instant subsequent to the actuating of the first actuator separated by a predetermined length of time wherein a leg rest 110 (Fig. 6) and a foot rest 130 (Fig. 6) may actuate between a deployed position and a folded-back position. The description of the seat inherently discloses the method of controlling the seat.


Response to Arguments

Applicant's arguments filed 24 December 2003 with respect to the Sakakibara et al. reference have been fully considered but they are not persuasive. Applicant argues that Sakakibara et al. fail to disclose the amended method for controlling the dynamics of a seat because Sakakibara et al. disclose

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a period of time between the actuation of first and second actuators that varies depending on initial conditions of seat parts. While Sakakibara et al. do disclose first and second actuators that actuate at different times dependent on the positioning of the seat parts, i.e. if an armrest is horizontal or semi-horizontal, the reference also discloses activating first and second actuators separated by a fixed predetermined length of time that does not vary dependent on the positioning of seat parts. For example, column 14, lines 29-34 of Sakakibara et al. disclose that the actuator MT(22) at step S112 actuates the seat back forward until limit switch LS(27) is turned on and then actuator MT(21) actuates the seat cushion backward immediately following the movement of the first actuator. Therefore, the actuating of the actuator MT(22) at a first instant and the actuating of actuator MT(21) at a second instant is separated by a fixed predetermined length of time that is invariable.

Upon consideration of the Applicant's arguments, Examiner maintains the rejections of claims 1-9.



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